

# **ASEAN AND ITS SECURITY OFFSPRING: FACING NEW CHALLENGES**

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## FOREWORD

The Association of Southeast Asian Nations (ASEAN) is celebrating its 40th anniversary this year. Uniting the 10 major mainland and insular Southeast Asian states, ASEAN has also established formal links to Northeast Asia (ASEAN+3), as well as to the world at large (ASEAN Regional Forum). It is appropriate at this time to take stock of ASEAN and project its future. How effectively have ASEAN and its organizational offspring functioned as a security community? Have the Association's members been able to aggregate their security interests? Have they presented a united security front to other states? Do they collaborate to resolve internal security problems and protect one another against external security challenges?

In this monograph, Professor Sheldon Simon, who has written on Asian security for over 40 years, argues that ASEAN is pursuing an engagement strategy in the 21st century, bringing the great powers (the United States, China, India, Japan, and the European Union) into Southeast Asia's political and economic discussions. While these large deliberative arrangements provide regular opportunities to keep one another informed of intentions, they have been too unwieldy to effect major changes in political and economic relations. For the United States, ASEAN-dominated organizations have taken second place to Washington's bilateral ties to Southeast Asia, particularly with respect to Indonesia, Singapore, Thailand, and the Philippines. Nevertheless, ASEAN's symbolic importance to the United States was acknowledged in the summer of 2006 when both the State Department and Congress announced that Washington planned to appoint an ambassador to

the association. America's future multilateral security relationships with Asia must take a more active ASEAN into account.

The Strategic Studies Institute is pleased to offer this monograph as part of its efforts to help U.S. military and defense leaders understand the key role that Southeast Asia-centered organizations are playing in Asian security.



DOUGLAS C. LOVELACE, JR.  
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## SUMMARY

In its 40 years of existence, the Association of Southeast Asian Nations (ASEAN) has played well above its collective weight in world politics, though its reputation for effective diplomacy was seriously tarnished by an inability to resolve the region's 1997-98 financial crisis and other political challenges in the 1990s, including East Timor's secession from Indonesia, annual forest fire haze from Indonesian Borneo that creates a regional public health hazard, and the 1997 Cambodian coup that overturned an ASEAN-endorsed election. The primary explanation for ASEAN's political weakness has been its attachment to the principle of noninterference in its members' domestic affairs. Much of ASEAN's political effort in the early 21st century is devoted to overcoming this weakness.

The primary impetuses for ASEAN moving beyond sovereignty protection are transnational challenges, particularly terrorism, the exploitation of ocean resources, and maritime security, all of which require international cooperation. Secessionists from southern Thailand and the southern Philippines flee to northern Malaysia and Borneo respectively; illegal arms trafficking moves from Cambodia and Thailand to insular Southeast Asia; and radical Islamists go back and forth between Indonesia and the Philippines. Porous borders, suspicious border guards, inadequate coast guards, and armed forces that rarely collaborate beyond bilateral exercises are all counterproductive with respect to transnational challenges.

ASEAN states are attempting to overcome these deficits. Trilateral maritime cooperation in the Malacca Strait by its littoral members (Singapore, Malaysia,



Indonesia) to patrol for pirates and terrorists receives technical assistance from Japan and the United States. Anti-terrorist collaboration has expanded through ASEAN states' law enforcement and intelligence communities, with significant technical support and training from the United States and Australia. Moreover, in 2007 ASEAN tabled a draft charter that alters the association's noninterference principle and, for the first time, promotes democracy as a regional goal.

On broader security matters, ASEAN declared Southeast Asia to be a nuclear weapons free zone via treaty in 1995. Concerned about nuclear weapons proliferation in Northeast and South Asia, ASEAN desired to separate itself from the nuclear standoffs of its Asian neighbors. Moreover, ASEAN sees the nuclear free zone treaty to be an extension of its 1976 Treaty of Amity and Cooperation (TAC) that prohibits the use of force in settling international disputes. Signing the TAC has become the prerequisite for joining Asia's latest security discussion forum, the East Asia Summit (EAS) which held its first annual meeting in December 2005. Inspired by ASEAN and its Northeast Asian partners (the Republic of Korea [ROK], Japan, and China), India, Australia, and New Zealand have also joined, but so far not the United States. Some in Washington are concerned that ratifying the TAC could limit U.S. military actions in the Pacific, though the treaty's advocates point out that America's closest Asian allies – Japan, the ROK, and Australia – are EAS members and do not believe their security obligations toward the United States have been jeopardized.

Asia's largest security discussion body is the ASEAN Regional Forum (ARF) consisting of all East Asian states, the European Union, the United States,

and Canada. While the great powers dominate ARF discussions, its structure and procedures are modeled on ASEAN's. Both ASEAN and the ARF emphasize security transparency such as the publication of national white papers on defense that include both order of battle and doctrine. The ARF looks forward to preventive diplomacy and even conflict resolution — though neither of these future action categories has been implemented. The ARF has attained some success in anti-terrorist collaboration involving terrorist finances and the sharing of information among national financial intelligence units.

Given ASEAN and ARF deficiencies, it is not surprising that the United States continues to rely primarily on bilateral security relationships in Southeast Asia. Nevertheless, with the creation of the EAS and ASEAN negotiating a new charter that includes designating the association a Security Community, Washington would be wise to rethink its multilateral diplomacy. ASEAN, the ARF, and the EAS could well become prominent political and economic actors in the 21st century. The United States should not let this parade pass it by.



## **ASEAN AND ITS SECURITY OFFSPRING: FACING NEW CHALLENGES**

Until the Asian financial crisis of 1997-98, the Association of Southeast Asian Nations (ASEAN) was generally considered the most successful multinational political organization among developing countries in the world.<sup>1</sup> ASEAN's international reputation was burnished in the 1980s by its ability to keep the United Nations (UN) focused on the necessity of repelling Vietnam's invasion and occupation of Cambodia. Hanoi's subsequent withdrawal—though achieved because of the Chinese-Soviet rapprochement—was seen as a major ASEAN victory. ASEAN also arranged annual meetings between the Association and the great powers (the United States, China, Japan, and the European Union [EU]) to discuss an agenda of political, economic, and security issues generated by the Southeast Asian states.

This record of Southeast Asian states playing well above their collective weights in global politics apparently came to an end in the late 1990s due to a series of regional challenges to which ASEAN has been unable to respond effectively. These included the region's financial crisis; the Indonesian-generated forest fire haze that periodically blankets Singapore, Malaysia, and the southern Philippines; the upheaval and elections in East Timor leading to its independence; and the 1997 Cambodian coup that overturned the results of a UN-sponsored and ASEAN-endorsed election. All of these created what the late Michael Leifer called "a clear failure of regional cooperation" and have led to a crisis of regional identity and credibility within ASEAN.<sup>2</sup>

Nor has ASEAN been of help in resolving persistent subregional tensions, including the Thai-Burmese confrontation over the latter's drug trafficking and allegations by Rangoon that Thailand provides sanctuary for Burma's Karen minority, which is fighting to create a separate homeland; Thai concerns about support from northern Malaysia to separatists in southern Thailand, some of whom seek to unite with their Malay brethren across the Malaysian border; discord between Kuala Lumpur and Jakarta over hundreds of thousands of illegal Indonesian workers seeking jobs in Malaysia and a similar problem with illegal Philippine laborers in Sabah; and the ongoing saga over the future of the Spratly Islands, where China, Taiwan, Vietnam, Malaysia, the Philippines, and Brunei contest ownership and sometimes seize each other's fishing boats for alleged maritime territory violations.

The primary reason for ASEAN's inability to deal effectively with these issues is its normative attachment to the principle of noninterference. If regionalism is to be more than a process of multilateral policy coordination and negotiation of competing stakeholder interests, then a sense of collective intersubjective identity among the region's members is required. ASEAN has not yet achieved this identity, though efforts have been made in the middle of this decade to overcome this obstacle. A proposed new ASEAN charter would modify the noninterference norm.<sup>3</sup>

From its inception in 1967, ASEAN embedded a noninterference norm that stipulated consultation, consensus, and noninterference with respect to its members internal affairs, as well as any disagreements with each other. The consensus requirement reassured members that sovereignty would remain inviolate,

and the domination of the sovereignty principle meant that serious differences among members would be deferred to defuse conflict. Thus, ASEAN's approaches to conflict were not geared to external threats but rather to helping its members achieve regime security *vis-à-vis* their neighbors through confidence-building via consultations. This "soft security" approach has contrasted sharply with U.S. bilateral security arrangements in Asia, which are geared exclusively to external threats.<sup>4</sup>

Already weakened by the financial crisis and the challenges listed above, Southeast Asia now has to cope with the post-September 11, 2001 (9/11), world. Though national responses varied, generally the region has gone through four stages: initially shock and sympathy, then concern and anger over the U.S. wars in Afghanistan and Iraq because both are Muslim countries. Anger at the American invasion of Afghanistan was followed by a third stage, discovery of a major bomb plot in Singapore (January 2002) and the signing of a U.S. ASEAN antiterrorist agreement in August 2002. Finally, there were the October 2002 and August 2003 Bali and Jakarta Marriott bombings – the worst terrorist acts in the region's history, which killed over 200 people and heralded unprecedented cooperation among regional and foreign law enforcement agencies in Southeast Asia. This new cooperation was reinforced by the 2004 bombing of the Australian embassy in Jakarta and a second bombing in Bali in 2005.<sup>5</sup>

Paradoxically, the terrorist challenge may provide ASEAN with an opportunity to restore cohesion and create a new security agenda, similar to the opportunity that emerged with Vietnam's occupation of Cambodia in the 1980s. Of course, the nature of the threat is different. Instead of a heavily armed state,

today the threat is from individuals in relatively small groups operating transnationally that endanger an entire region, requiring governments to cooperate on a priority basis if the threat is to be suppressed. Whether ASEAN is up to this challenge remains to be seen. Clearly, the noninterference norm must be revisited, as the terrorist challenge necessitates regional collaboration in suppressing terrorist cells that operate transnationally.

Meanwhile, bilateral strife within Southeast Asia continues. Anti-Thai riots in Cambodia in early 2003, which led to the razing of the Thai Embassy, constitute a dramatic example of persistent historical animosities lying below the surface of common ASEAN membership. Cambodia's delays in creating a tribunal to deal with the former Khmer Rouge leaders and the country's endemic corruption keep foreign loans, grants, and investments at bay and mire the country in poverty. There are rising tensions along Indonesia's land border with Malaysia in Borneo. Following the World Court's ruling in December 2002 that the disputed islands of Sipadan and Ligatan belonged to Malaysia, Jakarta is looking for ways to guarantee its sovereignty over other disputed islands and to protect its vast maritime boundaries from smugglers, poachers, and pirates. Given its minimal navy, however, that may be impossible.

Indonesia and the Philippines resent Malaysia's expulsion of illegal foreign workers in order to free up more jobs for Malays. Malaysia has rekindled animosities with Singapore over water arrangements, contested islands (as their navies monitor each other) and competing port facilities for international maritime commerce. In 2005-06, tensions arose between Thailand and Malaysia over southern Thai Muslim separatists of

Malay ethnicity who may cross into northern Malaysia to escape the Thai army and police.<sup>6</sup>

In light of bilateral tensions within ASEAN, the Association's apparently meager ability to deal with current regional challenges including Indonesian forest fires, separatist movements in Indonesia, the Philippines, and southern Thailand, transnational arms smuggling, illegal population movements, drug trafficking, and terrorism, the question arises: *Whither security regionalism?* The remainder of this monograph is devoted to assessing whether there are significant roles for ASEAN and the ASEAN Regional Forum (ARF) in meeting these challenges and how other regional arrangements are being created to fill the gaps. While it would be fair to say neither ASEAN nor the ARF are leading efforts to resolve the challenges listed above, neither are they irrelevant. The questions for their future effectiveness focus on the structural limits to their capabilities and identifying the norms that might enhance their roles in conflict resolution.

### **ASEAN: HAS EXPANSION LED TO THE "PETER PRINCIPLE?"**

If the five original members of ASEAN – Malaysia, Singapore, Thailand, the Philippines, and Indonesia – collaborating since the Association's 1967 inception, remain suspicious of each other and wary of multilateral cooperation, how has expansion to all 10 Southeast Asian states affected the organization's cohesion? Unsurprisingly, this development has had a negative impact. In economic affairs, a two-tier system has been created whereby progress toward an ASEAN Free Trade Area (AFTA) posed one set of deadlines for the first six members (2003) and an indefinite delay for the



four newest members (Vietnam, Laos, Cambodia, and Burma), though 2010 is the target date. With respect to security, when law enforcement investigations revealed that terrorists moved readily among several ASEAN states because of visa-free travel, porous borders, and corrupt immigration officials, ASEAN has done little to remedy the situation.<sup>7</sup> Intra-ASEAN differences over the long-standing norm of noninterference are difficult to overcome, even when all members face a common threat.

The peaceful settlement of international disputes is a core ASEAN norm. However, ASEAN expansion imposes new security burdens arising from unsettled maritime boundaries and overlapping maritime exclusive economic zones (EEZs). Thai-Vietnamese, Vietnamese-Cambodian, and Thai-Burmese territorial disputes challenge the ASEAN non-use-of-force norm embodied in the 1976 Treaty of Amity and Cooperation (TAC). For example, Thai and Burmese forces clash sporadically over ethnic minority insurgents along their common border, as well as Burma-based drug trafficking. Whether ASEAN's new members can be socialized into the interpersonal and informal way in which the Association copes with its differences remains to be seen.<sup>8</sup>

Equally problematic is the visibility of the non-use-of-force norm. While no ASEAN member contemplates outright war with its neighbors, regional arms buildups are nevertheless conducted, with an eye toward maintaining a balance with ASEAN partners. Intra-ASEAN military cooperation, therefore, is at best tentative. Even Malaysia's suggestion for establishing an ASEAN peacekeeping force based on the experience of several ASEAN states' armed forces in Cambodia, East Timor, and the Balkans, were shelved, partly

because it might be seen as an attempt to turn ASEAN into a military alliance and partly because it would be impolitic to insert such a force into an intra-ASEAN conflict. Practical considerations also stymie ASEAN military cooperation, since weapons systems are purchased from so many different national suppliers that interoperability would be problematic.<sup>9</sup>

An important ASEAN principle with respect to the war on terror is that no member will provide sanctuary or support to groups bent on undermining the government of an ASEAN state. While no ASEAN government supports subversion against a neighbor, governments have been unwilling or more probably unable to suppress groups that take refuge within their borders. Thai separatists flee to northern Malaysia; large numbers of Karen are located inside the Thai northern border; Philippine Moros are found in Malaysian Borneo; and Jemmah Islamiya (JI) cells, which target several ASEAN states, are entrenched in parts of Indonesia despite Jakarta's efforts at disruption. Moreover, JI recruits continue to train in southern Philippine camps run by the Abu Sayyaf, a terrorist group linked to JI.

The "ASEAN Way" of emphasizing quiet diplomacy, nonconfrontation, and noninterference in domestic affairs has been supplemented (if not replaced) since 9/11 and the Bali and Jakarta bombings by more proactive measures. Visa-free travel is being reconsidered among ASEAN states. At the November 2001 ASEAN summit, a Declaration of Joint Action to Counter Terrorism was adopted. Subsequently, in August 2002, a U.S.-ASEAN declaration to counter terror was also endorsed. While these declarations certainly acknowledge the ASEAN-wide challenge, much remains to be done. In May 2002, the ASEAN

states agreed on an action plan that provided for enhanced cooperation in intelligence-sharing and the coordination of antiterror laws. Singapore's proposal that each member form a special antiterrorist team as a contact point was also accepted.<sup>10</sup> However, the ASEAN states remain slow to ratify 12 key antiterrorist conventions, especially the treaty suppressing terrorist finances. Nevertheless, a breakthrough may have occurred at the January 2007 ASEAN summit that agreed on an ASEAN Convention on Counterterrorism. While all ASEAN leaders signed off on the Convention, it still must be ratified by each member state – a process that could take years.

ASEAN members could consider modest steps to harden their borders against the transnational flow of terrorists, their weapons, and their funds. Background checks for visas constitute one measure, though they may delay freedom of movement and commerce within ASEAN. Training immigration officials in detecting forged documents is another. Passing legislation requiring closer scrutiny of corporate accounts would bring the ASEAN states in line with the antimoney laundering standards of the Financial Action Task Force. (Singapore is the only ASEAN state that is currently a member of this organization.) In spring of 2003, Thailand and the Philippines passed antimoney laundering legislation. However, enforcement will be key to their effectiveness.

Maritime policing is another woefully inadequate area among ASEAN states. A favorite route for illicit arms traffic goes from southern Thailand westward across the northern Strait of Malacca to Aceh, as well as across the South China Sea to Sabah and the southern Philippines.<sup>11</sup> Collaboration among the littoral navies and coast guards, especially in the Strait

of Malacca, is difficult. Hot pursuit of pirates has been hampered by the requirement that the pursuing state obtain permission in each instance from the country into whose waters the pirates flee. In 2004-05, the three states that straddle the Malacca Straits (Indonesia, Malaysia, and Singapore) began to mount coordinated naval patrols as well as joint air patrols over the straits with one military officer from each country on board maritime patrol aircraft. However, the patrols are not joint endeavors in that each country's ships may only operate in its own maritime territory and must hand off any pursuit if a suspect vessel crosses into a neighbor's waters.<sup>12</sup> Although terrorist groups so far have not hijacked ships, one can imagine the devastation caused if a liquefied natural gas (LNG) tanker were seized and blown up in the Strait of Malacca. Maritime insurance rates would skyrocket.<sup>13</sup> In addition to augmented U.S. Seventh Fleet patrols in the Malacca Strait, U.S. and Japanese coast guards could engage selected ASEAN navies in antipiracy exercises and provide intelligence on suspicious activities in the Malacca Strait and its approaches. During 2000, India also deployed a destroyer to help escort high-value vessels through the strait.<sup>14</sup> And in 2006, Japan promised to provide equipment, ships, and training as part of its collaboration with ASEAN on counterterrorism and maritime security.

In January 2003, ASEAN police forces meeting in Jakarta not long after the Bali bombings proposed an antiterrorism task force for each country to strengthen regional antiterrorist collaboration. The model would be the cooperation that takes place between the Indonesian National Police and the police forces of other countries to arrest the perpetrators of terror and uncover their networks in the region. Malaysia

and Indonesia argued that national legislation should be passed in each country to make terrorism an extraditable offense. Singapore balked, however, pointing to the different legal systems within ASEAN, though Singapore's primary concern is probably the safety of large numbers of wealthy ethnic Chinese who fled from Indonesia to Singapore in the wake of anti-Chinese riots in 1998.<sup>15</sup> A blanket extradition treaty among ASEAN states could lead Indonesia to claim that its ethnic Chinese citizens in Singapore committed economic crimes by fleeing with their resources.<sup>16</sup>

Other issues on ASEAN's table include the U.S. war in Iraq, the SARS epidemic, and Avian flu. The Iraq war split the Association – with Singapore, the Philippines, and, to a smaller degree, Thailand backing Washington, while Malaysia, Indonesia, and other ASEAN states either condemned U.S. actions or remained silent. The Philippines was among 30 countries openly backing the U.S. invasion and hence well positioned, so it believed, to obtain some reconstruction contracts in medical and educational domains. With respect to post-war reconstruction, Malaysia and Indonesia share the view that the UN should be given the major role.

Another hopeful sign with respect to reconsideration of ASEAN's noninterference norm has been the Association's discussion of the Burmese military junta's rearrest of opposition leader and Nobel laureate Aung Sun Suu Kyi. At its June 2003 annual ministerial meeting in Cambodia, ASEAN broke with its longstanding policy of not interfering in the internal affairs of member states by demanding Suu Kyi's release. Malaysian Prime Minister Mahathir summarized the members' dismay when he stated: "We don't criticize members' states unless what one state does embarrasses us. . . . [W]hat they have done has affected us, our credibility. Because of that, we have raised our voices."

Mahathir went on to say that even Burma's expulsion from ASEAN was a possibility, since ASEAN has a right to demand standards of behavior from its members. Mahathir's comments were particularly effective, since Malaysia had been instrumental in pushing for Burma's 1997 ASEAN admission in the face of strong objections from critics of the military regime. Expulsion may be a hollow threat, however, because there are no ASEAN provisions for excluding a state once it has membership. Moreover, unlike the United States and the EU, which have imposed economic and political restrictions on Burma, neither ASEAN nor China—the junta's primary economic partners—are willing to do so. Nevertheless, in 2006, ASEAN members persuaded Burma to forgo its scheduled chairmanship of the Association so as not to alienate the Association's EU and American partners.

At the January 2007 ASEAN summit, a draft ASEAN Charter was introduced which, if ratified by its members, would alter the Association's bedrock noninterference principle. The Charter promotes democracy and paves the way for ASEAN sanctions—possibly including expulsion—against countries such as Burma that Western governments as well as some ASEAN states have condemned for political repression and human rights violations.

## **NUCLEAR WEAPONS AND SOUTHEAST ASIA: THE PATH NOT TAKEN<sup>17</sup>**

Unlike several of its neighbors to the north (China and North Korea) and the west (India and Pakistan), the 10 Southeast Asian States that comprise ASEAN have not chosen to acquire nuclear weapons even though several are considering nuclear plants for

electric power generation in the future.<sup>18</sup> Not only have the ASEAN states foregone nuclear weapons, but they have also formalized their self-abnegation in a 1995 treaty titled the Southeast Asian Nuclear Weapons Free Zone (SEANWFZ). Concerned from the beginning with maintaining as much regional autonomy as possible from the great power conflicts that generally roiled Asia, the ASEAN states devised a declaration in 1971 stating Southeast Asia to be a Zone of Peace, Freedom, and Neutrality (ZOPFAN). ZOPFAN constitutes the framework in which Southeast Asia declares itself to be free of nuclear weapons.

### **ZOPFAN: Appealing to the Great Powers.**

As small and medium states with minimal capabilities to defend their territories, sea, and air spaces from more powerful outsiders—yet also dependent for their prosperity on international commerce—Southeast Asian states needed to devise a doctrine that would convince external powers that the latter's interests were best served by not attempting to dominate the region. Defensive arrangements by outsiders with Southeast Asian states, for example, U.S. treaties with the Philippines and Thailand and the Five Power Defense Arrangement among the United Kingdom (UK), Australia, New Zealand, Malaysia, and Singapore, were tolerated because they predated ZOPFAN and because they were useful insurance policies during the Cold War against possible Soviet or Chinese designs on the region. Another, less apparent, purpose of ZOPFAN was to reassure ASEAN members themselves that no state would ally with an outsider to threaten another ASEAN member. ZOPFAN became a device to ensure that Southeast Asian security

would primarily be the responsibility of the region's occupants.

From its genesis, ZOPFAN was a reaction to two contested visions for Southeast Asian security. Malaysia proposed that the great powers (the United States, Russia, and China) together guarantee the region's neutrality. Indonesia, however, opposed that plan and countered that the Southeast Asian states themselves bear the sole responsibility for the region's security. Jakarta was concerned primarily about China, and Kuala Lumpur ultimately acquiesced. The Indonesian neutrality plan was also acceptable to Thailand, Singapore, and the Philippines because it was sufficiently vague that a continued American balancing presence was tacitly accepted.<sup>19</sup> This arrangement has persisted to the present day. So have Indonesia's suspicions of great power intentions.

Nevertheless, Indonesia and other ASEAN states have modified ZOPFAN's meaning over the years to accept the fact that outside powers will be involved in Southeast Asia via trade, investment, and even a military presence. Therefore, Indonesia now speaks of a "balance of interests" when Singapore offered naval facilities to the U.S. Seventh Fleet in the early 1990s after the Philippines declined to renew the Philippine bases arrangement. ZOPFAN now means the maintenance of strategic equilibrium: the U.S. presence balances the Chinese occupation of some of the Spratly Islands.<sup>20</sup> Underlying all of this, however, is the premise that the Southeast Asian states themselves are the managers of their own security even if that means that external powers are invited to contribute to a regional power balance. Nevertheless, critics of ZOPFAN argue that it is toothless, that Southeast Asian states have no capability (or intention) of enforcing it by excluding any



great power presence, and that the concept requires no change in existing security arrangements with external powers – all Western states.<sup>21</sup>

### **SEANFWZ: ZOPFAN for the 21st Century?**

At the top of today's global security agenda is the prevention of the proliferation of weapons of mass destruction (WMD), chief among which are, of course, nuclear weapons. In the post-Cold War world, ZOPFAN's original purpose—to keep Southeast Asia out of the Cold War—has expired. In fact, China, Japan, and the United States are all currently involved in regional security affairs. A Southeast Asia Nuclear Weapon-Free Zone was originally broached during the Cold War in the 1980s but was dismissed by the United States as a one-sided rejection of U.S. military deployments in Southeast Asia since the Soviet Union would still be able to deploy from Vietnam.

The SEANWFZ Treaty was not reintroduced until December 1995, once again sponsored by Indonesia as a building block to ZOPFAN. In a sense, it was already too late because the ARF established a year earlier had institutionalized the participation of external actors in Southeast Asian security. Nevertheless, the SEANWFZ Treaty obligated ASEAN members not to “develop, manufacture, or otherwise acquire, possess or have control over nuclear weapons.” Nor are the signatories to allow other states to use ASEAN territories in any way for their nuclear weapons.<sup>22</sup>

ASEAN's revitalization of a nuclear weapons free zone constituted a way of maintaining the initiative in regional security after the Cambodian conflict had been resolved. It also reflected a 1992 ASEAN decision formally to include security issues on ASEAN's

agenda. Moreover, ASEAN was concerned that nuclear proliferation not spill over from either Northeast Asia or South Asia. This apprehension was particularly salient because of China's claims in the South China Sea.

SEANWFZ is, however, of little interest to nuclear weapons-possessing states. The Southeast Asian states are not involved in the great power standoffs that characterize Northeast Asia (China, North Korea, Japan, and the United States) and South Asia (India, Pakistan). Rather, SEANWFZ focuses internally on ASEAN's own members, another example of reassurance of peaceful intentions toward one another. SEANWFZ is an extension of the 1976 Treaty of Amity and Cooperation that requires its signatories to renounce the use of force in their relations with each other. Many states have subsequently acceded to the TAC, including China, Japan, Russia, Australia, New Zealand, and India – though not yet the United States. Acceptance of the TAC is a requisite for membership in Asia's newest political-security initiative, the East Asia Summit (EAS).

Meanwhile, the ARF – in which the United States holds membership – has become involved in WMD nonproliferation. Fearing the probable connection between international terrorist organizations and the illegal movement of WMD, in 2004 the ARF issued a Statement on Non-Proliferation, calling for “regional dialogue and cooperation” to deal with “this serious challenge and threat to international security.”<sup>23</sup>

With respect to these concerns, China has indicated a willingness to adhere to SEANWFZ. If other nuclear weapons states, particularly the United States, followed suit, the People's Republic of China (PRC) would benefit because SEANWFZ would limit American

maneuverability in a region that Beijing considers to be its natural sphere of influence. However, Washington is loath to agree to any arrangement that would limit the deployment of its ballistic missile submarines, and SEANWFZ includes not only the territories of Southeast Asian states but also their continental shelves and 200-mile economic exclusion zones (EEZs). Nonetheless, Washington has assured Southeast Asian states that they are protected from nuclear threats by nuclear weapons states because of commitments made under the Non-Proliferation Treaty that gives assurances against the use of nuclear weapons to non-nuclear weapons states. Moreover, the SEANWFZ is further weakened by a provision that permits any member to decide for itself whether a nuclear weapon state's ships and aircraft may visit a Southeast Asian state's territory.<sup>24</sup> In actuality, then, SEANWFZ places very few constraints on the military deployments of nuclear weapon states in Southeast Asia if the Southeast Asian state involved is willing to accept these deployments—perhaps on a neither confirm nor deny basis. The primary orientation of the treaty is internal to Southeast Asia and follows earlier self-abnegation commitments found in the TAC.

### **Nuclear Energy and Nuclear Weapons.**

Although several Southeast Asian states are considering the construction of nuclear energy power plants to meet growing electricity requirements, their nuclear weapons implications depend on a combination of capabilities and intentions. With respect to the former, weaponization potential depends on the types of nuclear reactors being sought for power generation. If light water reactors are purchased,

then the prospect for the creation of weapons grade plutonium as a byproduct is very limited. Moreover, as SEANWFZ signatories as well as adherents to the Non-Proliferation Treaty, ASEAN members are prohibited from acquiring nuclear weapons, and their civilian nuclear power facilities would be open to International Atomic Energy Agency (IAEA) inspection. Moreover, the pace of nuclear energy developments in Southeast Asia is also constrained by a lack of indigenous trained scientists and engineers to operate nuclear power plants.<sup>25</sup>

There appears to have been only one case of Southeast Asian involvement in the proliferation of nuclear weapons components, a Malaysian company—Scomi Oil and Gas. In October 2003, Scomi was exposed as part of the black market nuclear proliferation network run by Pakistani scientist A. Q. Khan—the father of Pakistan’s nuclear weapons program. The Malaysian company—whose majority shareholder was the son of prime minister Abdullah Badawi—had manufactured and shipped high quality centrifuge components destined for Libya. Centrifuges are a vital part of the process for creating highly enriched uranium, essential for nuclear weapons. When the centrifuge parts were seized under the U.S.-led Proliferation Security Initiative (PSI), both Scomi and the Malaysian government claimed ignorance about the ultimate use of the centrifuge components, noting that they could be employed in a variety of ways that had nothing to do with nuclear weapons. A high level U.S. official dismissed the Malaysian explanation, however, saying it was unlikely that Scomi was unaware of their weapons-related purposes since such a large number had been manufactured. Nevertheless, Mr. Abdullah was exonerated because he had purchased Scomi shares

long after the centrifuge transactions had occurred, and both the company and the Malaysian government cooperated with the multination investigation and closure of the A. Q. Khan network.<sup>26</sup>

### **Southeast Asia and Nonproliferation Activities.**

In various ways, Southeast Asian states are participating in nonproliferation activities. Only Singapore is a formal PSI participant, a coalition of 70 countries many of whom exercise together for the purpose of interdicting illegal shipments of WMD. In June 2006, Indonesian Defense Minister Sudarsono announced to U.S. Defense Secretary Donald Rumsfeld that Jakarta would study the Initiative. However, a month later, another high level Indonesian Department of Defense (DoD) official stated that his country would not be involved “for the time being.” The Director General of Defense Strategy General Dadi Susanto demurred that “we have found several aspects of the PSI which contradict . . . the United Nations Convention on the Law of the Sea. . . .” Susanto was referring to possible PSI interference with Indonesia’s jurisdiction within its EEZ and its own archipelago. Jakarta has insisted that antipiracy patrols—that could also serve an antiterrorist function—must remain the exclusive responsibility of the three littoral states, Indonesia, Malaysia, and Singapore. If user states such as “the United States, India, and other countries” want to participate, according to Indonesia’s Naval Chief of Staff Admiral Soebijanto, “they can provide us with intelligence and equipment.” The only other Southeast Asian state to cooperate with PSI is Thailand, which, although not yet a signatory, agreed in February 2006 to cooperate with PSI-participating countries. Thailand’s

potential participation is important because the country has been a transshipment point for cargo destined for North Korea. Interestingly, according to Denny Roy, China has also expressed interest in the PSI as long as it is “carried out within the scope of international law and in line with the relevant principles of the UN Charter.” However, the PRC Ministry of Foreign Affairs went on to state: “We have reservations concerning forcible interception” —an important operational procedure if PSI is to be effective.<sup>27</sup>

A new Asian antipiracy agreement that includes Northeast and Southeast Asian states (one again with implicit antiterrorist applications) took effect in September 2006. Maritime intelligence sharing will be coordinated by a center in Singapore. Earlier in mid-February 2006, the United States convened a meeting in California of countries using the Malacca strait to see if an agreement could be reached on how to assist the littoral states in ensuring the safety and security of the sea passage. The meeting discussed navigational aids and communication systems that would probably be acceptable to Indonesia and Malaysia. However, the prospect of more direct security involvement by user navies remains unacceptable.<sup>28</sup>

Coordinated antipiracy patrols among Singapore, Malaysia, and Indonesia that could be extended to the interdiction of WMD components have been in effect since July 2004. The three littoral states have hot line arrangements among their navies and coast guards, as well as bilateral pursuit arrangements (discussed above). There is also an air patrol phase known as “Eyes in the Sky.” The U.S. Pacific Fleet has initiated a naval counterterrorist exercise with Southeast Asian states. India also offered to share its naval expertise for antipiracy cooperation at the June 2006

Shangri La conference of Asian defense officials in Singapore.<sup>29</sup> Although there are a number of ongoing antipiracy arrangements in Southeast Asia, it should be remembered that these are designed to deter and apprehend maritime crime. They do not yet deal specifically with countering the shipment of WMD materials, though that task could be added if the states agreed.

### **THE ASEAN REGIONAL FORUM: IS THE TAIL WAGGING THE DOG?**

Just as ASEAN faces security problems that challenge nonintervention and sovereignty norms, so the ARF now confronts region-wide issues that make consensus difficult to achieve. The ARF emerged from ASEAN in the 1990s. The end of the Cold War left the Asia-Pacific searching for a new organizing principle for security. While traditional alliances remained, including bilateral treaties with the United States and the Five Power Defense Arrangement, these seemed inadequate to deal with security matters of a nonmilitary nature, such as transnational crime, environmental hazards, and illegal population movements.<sup>30</sup> Moreover, “traditional” security issues persisted in the form of unresolved territorial disputes, divided states, nuclear weapons proliferation, and conflicting maritime jurisdictions resulting from the 1982 UN Law of the Sea, all of which have been addressed in discussion but not resolved.

Some kind of cooperative security enterprise linking the region to its major partners in Northeast Asia and North America was needed to fill the gap. Through the 1976 TAC, ASEAN members had already pledged among themselves to resolve intra-ASEAN disputes

peacefully (or postpone their resolution). Underlying this vision of a larger security order was the hope that the treaty's peaceful resolution commitment could be extended to other states. This practice would constitute a kind of minimal diffuse reciprocity. That is, while ASEAN would not expect outsiders automatically to come to members' aid in times of crisis or come to their defense if attacked, at least outside countries could be asked to renounce the use of force in settling any conflicts they might have with the Association's members. The unstated object of these concerns, of course, is China—the only “extra-regional” state with territorial claims in Southeast Asia. This is essentially a realist vision of the ARF. If successful, it would encourage the PRC to explain and clarify its security policy and planning. China's neighbors, through the ARF, could then respond with their concerns about the PRC's policy, in hopes of modifying it and thus enhancing regional stability. In exchange for PRC transparency, other ARF members would reciprocate. For Beijing, the primary payoff would not be access to ASEAN defense plans, but rather to those of other members, such as Japan and the United States.

Fortunately for ASEAN, no exclusive Northeast Asian efforts were made to create a subregional counterpart to ASEAN although the Six Party Talks dealing with North Korean nuclear weapons could evolve in that direction. In effect, ASEAN was able to fill this vacuum by offering to create a new region-wide entity modeled on the Association's process of consultation and dialogue. Because this approach fell well short of collective defense, it was not threatening to any potential adherent. Nor would a new regional forum interfere with individual states' security links to outsiders.



Purposefully imitative of the ASEAN Post-Ministerial Conference (PMC), the ARF objective was to develop a predictable and constructive pattern of relationships in the Asia-Pacific, providing the whole region with opportunities for ASEAN-style dialogue. By themselves, the PMCs were viewed by Northeast Asians as insufficient for broad discussion of their subregion's concerns on issues such as competitive arming, maritime exclusive economic zone rules, and the roles of China and Japan. Although ASEAN understood that these issues needed to be addressed, the Association also desired to create a body that would acknowledge ASEAN's institutional status as *primus inter pares*. The ARF achieved this goal by ensuring that ASEAN states would be the venue for the ARF's annual meetings; that ASEAN would dominate the agenda; that intersession study groups, each composed of two states, would always include an ASEAN member; and that the ASEAN consensus principle would prevail in ARF decisions.

By its second meeting, the ARF agreed on a three-stage progression toward comprehensive security in Asia, which would move from confidence-building to preventive diplomacy, and finally on to the development of mechanisms for conflict resolution. The development of these mechanisms was subsequently renamed "elaboration of approaches to conflict" out of deference to China's concern that conflict resolution could be interpreted as justifying the ARF's interference in members' internal affairs. ASEAN PMCs, senior officers' meetings (SOMs) and ARF workshops have generated a cornucopia of transparency possibilities—that is, the discussion of security intentions. Both ASEAN and the ARF agree that security transparency is a prerequisite for more

sophisticated preventive diplomacy and conflict resolution. Confidence-building measures (CBMs) that have been raised in ASEAN-related gatherings include notification of military exercises, hotlines among political and military leaders, extension of the Russian-U.S. Incidents-at-sea Agreement to the entire Asia-Pacific, and regional maritime, air surveillance, and safety regimes. These measures all fall within the trust and confidence-building category as defined by the ARF.<sup>31</sup>

The ARF has conducted an extensive security dialogue over the years encompassing human rights in Burma, problems on the Korean Peninsula, the South China Sea islands, WMD proliferation, and the implications of ballistic missile defense (BMD) deployments. The ARF has called for support of the Nuclear Non-Proliferation Treaty and ratification of the Comprehensive Test Ban Treaty. It also addresses transnational security issues, especially piracy and illegal migration, as well as narcotics and small arms trafficking. These plenary discussions and intersessional meetings have had some practical results: annual defense policy statements and increased publication of Defense White Papers, which contribute to transparency; military exchanges at the staff college level; growing involvement and participation of defense officials in ARF deliberations; and the creation of an ARF Register of Experts/Eminent Persons who can be called upon by ARF members in conflict situations.<sup>32</sup> However, the ARF has no secretariat to provide continuity or engage in staff studies between its annual plenary discussions, special meetings, or intersessional group conclaves. Nevertheless, recently, in 2006, the ASEAN Secretariat agreed to provide administrative support for ARF activities.

While the ARF has turned from exclusively confidence-building to the next stage of preventive diplomacy, the transition is difficult. China's reticence, as well as some other members', reflects a concern that basic national security issues, such as the future of Taiwan, not be subject to ARF deliberations. By contrast, Canada, Australia, Japan, and the United States would like to see ARF strengthened. The United States particularly hopes that the ARF will serve as an antiterror cooperative mechanism. However, the ARF's consensus rule, adopted from ASEAN, has proven a serious obstacle to managing tensions that arise from the divergent strategic interests of ARF members.<sup>33</sup>

The ASEAN overlay on ARF procedures has provoked resentment among some participants, particularly South Korea, which believes that ASEAN's proprietary attitude has constrained any Northeast Asia dialogue within the forum. Moreover, even the numerous confidence-building measures implemented by the ARF are mainly declarations of transparency that do not involve constraints on behavior. For example, there may be discussions among defense officials, but no agreement, on refraining from adding certain kinds of weapons into national arsenals. Nor can the ARF discuss intrastate conflicts because of Chinese objections.<sup>34</sup>

While Washington did not expect the ARF to be an action-oriented security organization, after 9/11, the United States has urged the ARF to become more involved in devising ways to actively combat terrorism, such as shutting down terrorist finances through ARF transnational crime agreements. Another possibility would be to expand ARF undertakings on search-and-rescue operations to include simulating a ship hijacking in the Strait of Malacca that would require

practical cooperation among littoral navies to rescue hostages.<sup>35</sup> Singapore's December 2003 participation in the U.S.-led multilateral PSI could be an initial step in that direction. Designed to stop the transfer of WMD to "states of concern" and terrorists, participating navies are simulating the cooperative interdiction of suspect ships.

To its credit, the ARF laid out an agenda for its members to block terrorist finances at its July 2002 Brunei summit, urging members to implement UN measures, which include blocking terrorists' access to national financial systems, freezing terrorists' financial assets, publicizing terrorist organizations whose assets have been seized, and creating national financial intelligence units to share information. These exhortations are exemplary, but they are not mandatory. There is no enforcement mechanism nor any sanctions against ARF members who choose not to comply.<sup>36</sup> Moreover, the ARF consensus principle obstructs joint agreements. This obstacle could be overcome if the ARF adopted an ASEAN procedure used to bypass a similar constraint. Called the "ASEAN Minus X" understanding, it permits a "coalition of the willing" — whereby those states that agree on a principle may proceed, while those that do not may refrain from participation.

## **OTHER FORMS OF REGIONAL SECURITY COOPERATION**

While ASEAN and the ARF are the primary Asian regional security institutions, they are by no means the only ways in which Southeast Asian states engage in multilateral security cooperation. Interstate security cooperation takes place in both bilateral and

multilateral arrangements outside of the ASEAN and ARF frameworks. The terrorist challenges posed by al Qai'da, JI, and other groups that transfer personnel, weapons, money and information across Southeast Asia's borders require a coordinated response among those states most affected. Intelligence sharing is particularly important, since captured JI members have provided authorities with useful information leading to further arrests or the discovery of new plots.

Several Southeast Asian states have increased antiterrorist cooperation with one another. Intelligence organizations in Malaysia, Singapore, and the Philippines, are exchanging information about regional terrorist groups, as well as with U.S. intelligence agencies and the Federal Bureau of Investigation (FBI). Nevertheless, constraints still exist. In February 2003, Indonesian security officials arrested Mas Salamat Kastori, the alleged leader of JI in Singapore, based on information provided by the Singaporean government. Because the two countries have no extradition treaty, however, Indonesian authorities planned to try Mas Salamat on a false passport charge, rather than extradite him to Singapore to face more serious allegations.<sup>37</sup>

In May 2002, a Southeast Asian antiterror pact was initialed by the Philippines, Indonesia, and Malaysia, to which Thailand and Cambodia subsequently adhered. The pact was activated in the aftermath of the Davao bombings, when Philippine officials claimed that Indonesian nationals were involved in collaboration with elements of the Moro Islamic Liberation Front (MILF), all of whom had trained in terrorist camps in North Cotabato.<sup>38</sup> Similarly, Thai authorities have acknowledged that JI members met in southern Thailand in January 2002, where a decision was made to attack soft targets in the region, such as nightclubs and restaurants.<sup>39</sup>

Possible linkages between the Bali and Davao bombings have led to intelligence and police cooperation among Malaysia, Indonesia, and the Philippines. Manila insists that the MILF is responsible for the Davao and other recent Mindanao attacks, although MILF leaders deny the allegations. It seems likely that some rogue MILF splinter groups may be among the perpetrators, but there is little evidence to suggest that the MILF leadership, who are negotiating with the Philippine government to resolve their conflict in Mindanao, are directing terrorist actions. Joined by Thailand and Cambodia, the five adherents to the Southeast Asia antiterror pact agreed at a January 2003 gathering in Manila that they would establish a communication protocol to fight terror, piracy, money laundering, smuggling, and gun running. Whether these plans will facilitate collaboration among law enforcement authorities in the countries most susceptible to terrorist movements and actions remains to be seen, although Malaysian authorities have stated that they are regularly exchanging intelligence with Indonesia and the Philippines.<sup>40</sup>

Unsurprisingly, the most effective form of Southeast Asian security cooperation continues to be bilateral and focused on specific problems. Malaysian armed forces are patrolling waters between Sabah and the southern Philippines to interdict MILF militants fleeing Manila's crackdown. Australian police have been credited by Indonesia with providing the technical assistance needed to intercept cellular phone conversations, which led to the apprehension of many of the Bali bombers.<sup>41</sup>

Piracy is a continuing challenge in Southeast Asia, the possible marriage of piracy with terrorism causes considerable worry for the region. The deep water channels in Malacca and a number of Indonesian straits

are so narrow that a single burning supertanker and its spreading oil slick could block the route for other tankers. Moreover, in these narrow straits, there may not even be enough room for naval escorts to screen tankers from attacks by small, fast craft.<sup>42</sup>

While Japan has proposed a regional coast guard to combat piracy, national sensitivities in the littoral states inhibit any broader collaboration. Many Southeast Asian countries are unwilling to prosecute pirates apprehended in their territorial waters for acts committed in other countries' jurisdictions. Most often, pirates are deported rather than prosecuted. Furthermore, since boundaries have not yet been drawn in some parts of the Malacca/Singapore straits, jurisdiction over piracy is unclear.<sup>43</sup> Nevertheless, both Singapore and Malaysia are upgrading their air forces partly to enhance antipiracy, antiterrorist, and illegal immigration patrols. Both countries are acquiring air-to-air refueling aircraft, and Singapore has manufactured its own unmanned aerial vehicle to extend surveillance over waters surrounding the island city-state. Malaysia has also produced its own reconnaissance aircraft, the *Eagle*, which is to be deployed in Sabah for coastal patrols.<sup>44</sup>

There were a significant number of attacks on tankers in the Malacca Strait in 2003, though these seemed to be piracy rather than terrorism; however, from 2005-2006, piracy has significantly declined in the Strait of Malacca.<sup>45</sup> Hijacked tugboats could be used for terrorism, drug trafficking, or human smuggling. Taking these possibilities into account, Singapore requires tugboats to provide 6 hours advance notice before coming into port; and all small vessels have been prohibited from entering the special anchorages designated for chemical, oil, and LNG carriers.<sup>46</sup> In

2005-06, the three littoral states – Singapore, Indonesia, and Malaysia – formed a coordinated sea and air antipiracy patrol arrangement for the Malacca Strait that seems to be effective. It is the first such trilateral effort in Southeast Asia.

## CONCLUSION

Most Southeast Asians believe their security is best maintained in the early 21st century not by isolating the region from great power activities, as originally envisaged in the 1970s Zone of Peace Freedom and Neutrality, but rather by engaging them in multilateral endeavors, such as the ASEAN post-ministerial conferences, ASEAN Plus Three, and the ARF. While these measures were initially directed toward keeping China and the United States involved in assuring the region's security, ASEAN also welcomes participation by India and Japan.

India and Japan have exchanged high-level visits with virtually every Southeast Asian state. ASEAN members welcome India's efforts to strengthen ties with Burma as a way of balancing China's influence. Also, India is involved in the ASEAN PMC. Although Delhi has not been able to turn ASEAN Plus Three into ASEAN Plus Four, it has been accepted into the ARF and the new East Asian Summit.

For the United States, ASEAN and the ARF security deficiencies are not a significant drawback. Washington's security strategy in East Asia continues to rely on bilateral relations and has developed a mix of bilateral and multilateral endeavors in Southeast Asia. In the war against terror, the strongest bilateral tie is with the Philippines where U.S. military assistance and training, now in their 8th year, are designed to enhance



the Philippine armed forces' ability to suppress the Abu Sayyaf group in Mindanao.

On the multilateral dimension, little has been accomplished because neither ASEAN nor the ARF have been willing to tackle the core security issues affecting the region, be they external support for insurgencies, major refugee flows, or disputes over sovereignty of islands. Inclusive memberships in both organizations and the ASEAN consensus principle work against their security effectiveness.<sup>47</sup> Thus, Washington's only multilateral initiative in Southeast Asia is quite modest: the offer to fund a regional antiterrorism training center in Malaysia, which would focus on law enforcement and intelligence exchange, but not involve military training. As Stephen Leong of Malaysia's Institute of Strategic and International Studies said, not only would the center show that ASEAN was involved in the antiterror struggle, but it "will also help to boost the confidence for foreigners who want to invest or travel in the region especially after the Bali bombing." More recently, the United States seems to be paying greater attention politically to ASEAN, when in the summer of 2006, Washington announced that it would appoint an ambassador to ASEAN as an organization, though no one has been appointed to that office by early 2007.<sup>48</sup>

Security regionalism in Southeast Asia remains, therefore, a weak reed. Absence of interoperability among the region's armed forces, embedded suspicions about neighbors' motivations, and an unwillingness or inability to set up effective arrangements to cope with transnational challenges all tend to move security cooperation by default to the bilateral—or at most trilateral—level where more effective collaboration exists. This principle appears equally true for U.S. security arrangements in Southeast Asia. Bilateral

military exercises and bilateral antiterrorist and law enforcement collaboration dominate. Multilateral exercises, such as Cobra Gold in Thailand, while valued, are viewed by Southeast Asians as less useful than bilateral security links to the United States.<sup>49</sup> There is no evidence that this situation will change.

## ENDNOTES

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13. Author's discussion with a high-ranking U.S. naval officer at the Institute of National Strategic Studies, U.S. Institute of Peace Workshop on "Terrorism's New Front Lines," May 8, 2003.

14. See the discussion in Sheldon W. Simon, "Theater Security Cooperation in the U.S. Pacific Command: An Assessment and Projection," *NBR Analysis*, August 2003.

15. See "ASEAN Police to Set Up Antiterrorism Task Force," news release by the ASEAN Secretariat, Jakarta, January 22, 2003.

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